

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-4165 of 2017 (O&M)

Date of Decision: July 07, 2017

Baljinder Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.K.Sandhir, Advocate,
for the petitioner.

INDERJIT SINGH, J.

CRM No.20670 of 2017

The application is allowed, subject to all just exceptions.

Annexures P-8 to P-13 are taken on record.

CRM No.M-4165 of 2017

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Jagar Singh Panch for quashing the FIR No.188 dated 30.09.2015 under Section 409 IPC registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana etc.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that FIR in the present case has been registered on the basis of the application forwarded by learned SDM, Khanna, for taking legal action against Sarpanch Gram Panchayat Village

Rohno Khurd and Panchayat Secretary Baljinder Singh for embezzling government money. The main allegations in the FIR are that Sarpanch Gram Panchayat and Panchayat Secretary conspired with each other and embezzled money. Angrej Singh has been shown to have worked from 01.09.2013 to 30.09.2013 and payment of ₹5250/- has been made to him as per muster roll register. Again Angrej Singh has been shown to worked from 01.09.2013 to 25.09.2013 and 28.09.2013 and he has been shown to have received ₹4025/-, regarding which, there is mention in the cashbook. Similarly, names of other persons have been mentioned in cashbook.

The application was given by so many members panchayat. Conspiracy of the petitioner has been alleged with Sarpanch Gram Panchayat. Charges have been framed against the present petitioner under Section 409 IPC. The finding of fact is to be given by the trial Court on the basis of evidence to be produced before it. At this stage, in no way, it can be held that no offence is made out against the petitioner or the registration of the FIR is abuse of process of law or amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

July 07, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No